

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, AUGUST 27, 2015

1. **HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:**

None

HEARINGS TO BE HELD AT THE OFFICES OF THE PUBLIC UTILITIES COMMISSION, WALKER BUILDING, 21 SOUTH FRUIT STREET, CONCORD, NH:

September 17, 2015 @ 9:30 a.m.:

- a. Mise En Place Bistro, 96 Lehner Street, Wolfeboro, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1221903 licensed pursuant to RSA 178:21.
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: May 5, 2015.
Case #: 15-203-OF.

September 17, 2015 @ 9:30 a.m.:

- b. Molly's Tavern & Restaurant, 35 Mount Vernon Road, New Boston, NH.
Restaurant Full Service With Lounge License #1451603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: June 2, 2015.
Case #: 15-225-OF.

September 17, 2015 @ 9:30 a.m.:

- c. Myuge, 163 Camino Dorado, Napa, CA.
Direct Shipper Permit #8229833 licensed pursuant to RSA 178:27.
RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 15th of the following month – 4 counts.
Date of violations: January through April, 2015.
Case #: 15-205-OF.

September 17, 2015 @ 10:30 a.m.:

- d. Zaboo, 24 Depot Street, Manchester, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1494103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests – 2 counts.
Dates of violations: October 31, 2014, September 6, 2014 & January 9, 2015.
Case #s: 14-413-OF, 14-338-OF & 15-24-OF.
THE LICENSEE FILED A MOTION TO CONTINUE WHICH WAS GRANTED IN PART; NEW DATE TO BE DETERMINED.
SETTLEMENT PENDING.
HEARING REQUESTED BY LICENSEE.
LICENSEE HAS RETAINED COUNSEL; ASSENTED-TO MOTION TO CONTINUE FILED BY LICENSEE; DECISION PENDING.

HEARING HELD MAY 21, 2015.
LICENSEE FILED A MOTION FOR RECONSIDERATION ON JUNE 2, 2015.
LICENSEE FILED A MOTION FOR RECONSIDERATION FOR GOOD CAUSE ON JUNE 3, 2015.
ON JUNE 5, 2015, THE DIVISION OF ENFORCEMENT & LICENSING FILED A RESPONSE TO BOTH MOTIONS FOR RECONSIDERATION FILED BY THE LICENSEE.
ON JUNE 10, 2015, THE CHIEF HEARINGS OFFICER FOUND THAT THE LICENSEE WAS DEFAULTED IN ERROR ON MAY 21, 2015; A NEW PRE-HEARING AND HEARING WILL BE SCHEDULED; ACCORDINGLY, THERE IS NO NEED TO RULE ON THE LICENSEE'S MOTION TO RECONSIDER FOR GOOD CAUSE SHOWN; THE DIVISION OF ENFORCEMENT & LICENSING IS NOT REQUIRED TO PRODUCE BRIAN GUNNING AS A WITNESS.

September 17, 2015 @ 1:00 p.m.:

- e. Crazy Camel, 245 Maple Street, Unit #1, Manchester, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402006 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 24, 2015.
Case #: 15-65-OF.

October 15, 2015 @ 11:00 a.m.:

- f. Whiskey Barrel BBQ & Roadhouse, 200 Portland Street, Lancaster, NH.
Restaurant Full Service With Lounge License #1488803 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise – 3 counts
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Dates of violations: March 29, 2015 & May 10, 2015.
Case #s: 15-114-OF & 15-184-OF.

November 19, 2015 @ 9:30 a.m.:

- g. Jewel Nightclub, 61 Canal Street, Manchester, NH.
Sports Entertainment License #6018305 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violations: February 22, 2015.
Case #s: 15-61-OF & 15-63-OF.

To be determined:

- h. Club 550, 2025 White Mountain Highway, North Conway, NH.
Sports Entertainment License #2503005 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Date of violations: May 25, 2014.
Case #: 14-170-OF.

THE LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.
TO BE RESCHEDULED AT THE REQUEST OF THE CHIEF HEARINGS OFFICER.

2. NOTIFICATION OF DISCIPLINARY ACTION:

None

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Blue Moon Country Store, 612 Ossipee Lake Road, Freedom, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3019147 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: May 26, 2015.
Case #: 15-223-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Wilderness Restaurant, 94 Main Street, Colebrook, NH.
Restaurant Full Service With Lounge License #258603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 178:22, IV(q) - allowed alcohol to be served on the premise when not open to the public.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violations: April 29, 2015.
Case #: 15-185-OF.
\$200 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Boston Foodservice Corporation DBA Beantowne Coffee House and Café,
201 Route 111, Hampstead, NH 03841.
To be issued Restaurant On-Premise Beverage and Wine License #1485303
pursuant to RSA 178:20.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- b. Dive Bar LLC DBA Cannon Lounge, 45 North Main Street, Rochester, NH 03867.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1510103
pursuant to RSA 178:21.
30 Day Temporary License issued: 8/17/2015.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- c. Figtree Café & Catering Co. LLC DBA Figtree Kitchen, 14 Hancock Street, Portsmouth, NH 03801.
To be issued Restaurant On-Premise Beverage and Wine License #1513303
pursuant to RSA 178:20.
30 Day Temporary License issued: 8/17/2015.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- d. Fire and Ice Hookah Lounge, Inc., 990 Elm Street, Manchester, NH 03101.
To be issued Cigar Bar On-Premise Cocktail Lounge License #403106 pursuant to RSA 178:20-a.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**

- e. In Sea LLC DBA Dynamite Sushi, 30 Lowell Road, Unit 16, Hudson, NH 03051.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1513903 pursuant to RSA 178:21.
30 Day Temporary License issued: 8/17/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- f. Pidgeon B and B Management DBA Silver Fountain Inn, 103 Silver Street, Dover, NH 03820.
To be issued Restaurant On-Premise Beverage and Wine License #1514903 pursuant to RSA 178:20.
30 Day Temporary License issued: 8/14/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- g. Radhey Bikash LLC DBA Paul's Choice, 815 Court Street, Keene, NH 03431.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3335747 pursuant to RSA 178:18 & RSA 178:19-a.
30 Day Temporary License issued: 8/20/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- h. Sap House Meadery LLC, 6 Folsom Road, Center Ossipee, NH 03814.
To be issued Restaurant On-Premise Beverage and Wine License #1512903 pursuant to RSA 178:20.
30 Day Temporary License issued: 8/21/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- i. Speedway Children's Charities, 20th Skeet & Clays, 100 Goffstown Road, Hooksett, NH 03106.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 9/24/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- j. Wellington's Marketplace LLC, 124 North Main Street, Concord, NH 03301.
To be issued Conditional Combination License: Conditions and Agreement attached for approval, Restaurant On-Premise Beverage and Wine License #1494903 pursuant to RSA 178:20 and Combination Off-Premise Beverage and Wine License #3320647 pursuant to RSA 178:18.
30 Day Temporary License issued: 8/21/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

5. **LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

6. **SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING AUGUST 21, 2015: 1,145

Union Wine Company, 19950 SW Cipole Road, Tualatin, OR 97062.

Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

7. **SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

8. NOTIFICATION OF APPROVED PETITIONS:

- a. American Legion Post 7, 94 Eastern Avenue, Rochester, NH 03867.
Veterans Club License #22639 licensed pursuant to RSA 178:22, V(h).
Date petition received: 8/17/2015.
Requested approval for authorization of other area, to wit, an outside field area with a total capacity of 250 for event date September 19, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Bailiwicks LLC DBA Bailiwicks Fine Restaurant Wine & Martini Bar,
106 Main Street, Littleton, NH 03561.
Restaurant On-Premise Cocktail Lounge License #1340703 licensed pursuant to RSA 178:22.
Date petition received: 8/17/2015.
Requested approval for authorization of other area, to wit, an outside parking lot area with a capacity of 400 for event date August 19, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Fratello's Ristorante of Nashua, Inc., 194 Main Street, Nashua, NH 03061.
Restaurant On-Premise Beverage/Wine/Liquor License #1511803 licensed pursuant to RSA 178:21.
Date petition received: 8/11/2015.
Requested approval for authorization of other area, to wit, an outside street area with a capacity of 200 for event date August 19, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Hospitality Resources, Inc. DBA Bedford Village Inn & Rest, 2 Olde Bedford Way, Bedford, NH 03110.
Hotel On-Premise Cocktail Lounge License #349602 licensed pursuant to RSA 178:22, V(k).
Requested an exception to RSA 178:27, III, to wit, for authorization to purchase wine from a Direct Shipper, Sine Qua Non, Inc., 1750 N. Ventura Avenue #5, Ventura, CA 93001, Permit #8109933 pursuant to RSA 178:32, III.
COMMISSION ACKNOWLEDGED.
- e. Main Street Gyro LLC, 215 Main Street, Nashua, NH 03061.
Restaurant On-Premise Beverage and Wine License #1512303 licensed pursuant to RSA 178:20.
Date petition received: 7/30/2015.
Requested approval for authorization of other area, to wit, an outside side walk area with a capacity of 4 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

10. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

11. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS:

Tobacco – Hampstead, NH:

- a. Walgreens Stores, 288 Sandown Road, Hampstead, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3247247 licensed pursuant to RSA 178:18/RSA 126-K: 4.
Cited for violation of RSA 126-K: 4 – sold tobacco to an underage person during a compliance check.
Date of violation: August 10, 2015.
Case #: 15-318-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.

COMMISSION ACKNOWLEDGED.

- b. Xtra Mart, 416 Emerson Avenue, Hampstead, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3243647 licensed pursuant to RSA 178:18/RSA 126-K: 4.
Cited for violation of RSA 126-K: 4 – sold tobacco to an underage person during a compliance check.
Date of violation: August 10, 2015.
Case #: 15-318-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.
COMMISSION ACKNOWLEDGED.

13. COMMISSION DECISIONS PENDING AFTER HEARING:

None

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. 603 Brewery LLC, Londonderry Lions Club, 258 Mammoth Road, Londonderry, NH 03053.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 8/15/2015.
Recommendation: Expedited approval.
Commission approved on 8/12/2015.
COMMISSION ACKNOWLEDGED.
- b. Haverhill Heritage DBA Court Street Arts, 75 Court Street, Haverhill, NH 03765.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 8/23/2015.
Recommendation: Expedited approval.
Commission approved on 8/13/2015.
COMMISSION ACKNOWLEDGED.
- c. New Hampshire Winery Association, Flag Hill Tented Area, 297 North River Road, Lee, NH 03861.
To be issued a Wine Festival License pursuant to RSA 178:31.
Event date: 8/16/2015.
Recommendation: Expedited approval.
Commission approved on 8/12/2015.
COMMISSION ACKNOWLEDGED.